

TITLE 85

WATER USE

CHAPTER 2

SURFACE WATER AND GROUND WATER

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Part 9

Ground Water Assessment

85-2-901. Short title. This part may be cited as the "Montana Ground Water Assessment Act".

History: En. Sec. 1, Ch. 769, L. 1991.

85-2-902. Findings and purpose. (1) The legislature finds that:

(a) Montana's citizens depend on ground water for a variety of uses, including domestic, agricultural, industrial, irrigation, mining, municipal, power, and recreation, and for maintenance of ecosystems and surface water supplies;

(b) ground water supplies and quality are threatened by a variety of contaminant sources;

(c) there is insufficient information characterizing the volume, quality, and flow patterns of the state's ground water;

(d) ground water information deficiencies are hampering the efforts of citizens and units of government to properly manage, protect, and develop ground water;

(e) government policies and programs should focus on preventing ground water contamination and supply depletion, but in order for preventive policies and programs to be effective, better ground water information is required; and

(f) there is a need for better coordination among those numerous units of state, federal, and local government with responsibility for ground water management, protection, and development.

(2) The purposes of this part are:

(a) to improve the quality of ground water management, protection, and development decisions within the public and private sectors by establishing a program to systematically

assess and monitor the state's ground water and to disseminate the information to interested persons; and

(b) to improve coordination of ground water management, protection, development, and research functions among units of state, federal, and local government by establishing a ground water assessment steering committee.

History: En. Sec. 2, Ch. 769, L. 1991.

85-2-903. Definitions. As used in this part, the following definitions apply:

(1) "Aquifer" means a water-bearing, subsurface formation capable of yielding sufficient quantities of water to a well for a beneficial use.

(2) "Ground water assessment steering committee" means the committee established by 2-15-1523.

(3) "Ground water characterization program" means a program to systematically assess and document the hydrogeology and quality of the state's major aquifers.

(4) "Ground water characterization study" means the assessment of individual aquifers in specific areas within the state.

(5) "Ground water monitoring program" means a program to produce and maintain a long-term record of ground water chemistry and water level changes, based on information collected from a statewide network of observation wells.

History: En. Sec. 3, Ch. 769, L. 1991.

85-2-904 reserved.

85-2-905. (Temporary) Ground water assessment account. (1) There is a ground water assessment account within the special revenue fund established in 17-2-102. The Montana bureau of mines and geology is authorized to expend amounts from the account necessary to carry out the purposes of this part.

(2) The account may be used by the Montana bureau of mines and geology only to carry out the provisions of this part.

(3) Subject to the direction of the ground water assessment steering committee, the Montana bureau of mines and geology shall investigate opportunities for the participation and financial contribution of agencies of federal and local governments to accomplish the purposes of this part.

(4) There must be deposited in the account:

(a) at the beginning of each fiscal year, 14.1% of the proceeds from the resource indemnity and ground water assessment tax, as authorized by 15-38-106, and 2.2% of the proceeds from the metalliferous mines license taxes, as authorized by 15-37-117, unless at the beginning of the fiscal year the unobligated cash balance in the ground water assessment account:

(i) equals or exceeds \$666,000, in which case an allocation may not be made and the proceeds must be deposited in the resource indemnity trust fund established by 15-38-201; or

(ii) is less than \$666,000, in which case an amount equal to the difference between the unobligated cash balance and \$666,000 must be allocated to the ground water assessment account and any remaining amount must be deposited in the resource indemnity trust fund established by 15-38-201;

(b) funds provided by state government agencies and by local governments to carry out the purposes of this part;

(c) proceeds allocated to the account as provided in 15-36-324 and 15-38-106; and

(d) funds provided by any other public or private sector organization or person in the form of gifts, grants, or contracts specifically designated to carry out the purposes of this part.

85-2-905. (Effective on occurrence of contingency) Ground water assessment account. (1) There is a ground water assessment account within the special revenue fund established in 17-2-102. The Montana bureau of mines and geology is authorized to expend amounts from the account necessary to carry out the purposes of this part.

(2) The account may be used by the Montana bureau of mines and geology only to carry out the provisions of this part.

(3) Subject to the direction of the ground water assessment steering committee, the Montana bureau of mines and geology shall investigate opportunities for the participation and financial contribution of agencies of federal and local governments to accomplish the purposes of this part.

(4) There must be deposited in the account:

(a) at the beginning of each fiscal year, \$366,000 of the proceeds from the resource indemnity and ground water assessment tax, as authorized by 15-38-106, and \$300,000 of the interest earnings from the resource indemnity trust fund, as authorized by 15-38-202, unless at the beginning of the fiscal year the unobligated cash balance in the ground water assessment account:

(i) equals or exceeds \$666,000, in which case an allocation may not be made and the proceeds must be deposited in the resource indemnity trust fund established by 15-38-201; or

(ii) is less than \$666,000, in which case an amount equal to the difference between the unobligated cash balance and \$666,000 must be allocated to the ground water assessment account and any remaining amount must be deposited in the resource indemnity trust fund established by 15-38-201; (b) funds provided by state government agencies and by local governments to carry out the purposes of this part;

(c) proceeds allocated to the account as provided in 15-36-324 and 15-38-106; and

(d) funds provided by any other public or private sector organization or person in the form of gifts, grants, or contracts specifically designated to carry out the purposes of this part.

History: En. Secs. 4, 5, Ch. 769, L. 1991; amd. Sec. 2, Ch. 31, L. 1995; amd. Sec. 299, Ch. 42, L. 1997; amd. Sec. 6, Ch. 444, L. 1997; amd. Sec. 8, Ch. 552, L. 1999.

85-2-906. Ground water characterization program -- ground water monitoring program. (1) There is a ground water characterization program and a ground water monitoring program.

(2) Subject to the direction of the ground water assessment steering committee, the Montana bureau of mines and geology shall establish and administer the ground water characterization program and the ground water monitoring program.

(3) The Montana bureau of mines and geology shall work with units of local government, ground water users, and other affected organizations and individuals in areas of the state that are included in a ground water characterization study and, if warranted by the level of local interest in a ground water characterization study, shall establish a local ground water assessment advisory committee.

(4) The ground water assessment steering committee created by 2-15-1523 shall:

(a) oversee expenditures from the ground water assessment account and organization plans and work plans proposed by the Montana bureau of mines and geology to implement the ground water characterization and ground water monitoring programs, including plans for local involvement and participation in ground water characterization studies;

(b) approve ground water monitoring sites;

(c) prioritize and select ground water characterization study areas;

- (d) develop plans for ground water information management and dissemination;
 - (e) develop plans for integrating existing ground water information with information collected under the programs created by subsection (1);
 - (f) coordinate ground water information collection projects sponsored by individual units of state, federal, or local government with the programs created by subsection (1); and
 - (g) evaluate reports and other information produced by the Montana bureau of mines and geology from ground water characterization studies.
- (5) The ground water assessment steering committee shall invite representatives of local governments and Indian tribes with jurisdiction over areas of the state that are included in an active ground water characterization study or in a study scheduled to begin in the ensuing biennium, as well as affected citizens in these areas, to participate in steering committee meetings.

History: En. Sec. 6, Ch. 769, L. 1991.

85-2-907. Ground water information collection by local governments. Units of local government may conduct ground water information collection projects in advance of ground water characterization studies conducted under the program created by 85-2-906(1). Local governments shall consult with the Montana bureau of mines and geology in designing local ground water information collection projects and studies and, subject to local funding availability, shall conduct the local projects and studies to produce information that is compatible with the type of information produced by the ground water characterization program.

History: En. Sec. 7, Ch. 769, L. 1991.